

BEFORE THE FISH AND WILDLIFE COMMISSION
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 12.11.501 and the adoption of) PROPOSED AMENDMENT AND
NEW RULE I pertaining to the) ADOPTION
Madison River)

TO: All Concerned Persons

1. On February 15, 2017, at 6:00 p.m., the Fish and Wildlife Commission (commission) will hold a public hearing at the Fish, Wildlife and Parks Region 3 Office, 1400 South 19th Avenue, Bozeman, Montana, to consider the proposed amendment and adoption of the above-stated rules.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than February 3, 2017, to advise us of the nature of the accommodation that you need. Please contact Kaedy Gangstad, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; telephone (406) 444-4594; or e-mail kgangstad@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

12.11.501 LIST OF WATER BODIES (1) through (78) remain the same.
(79) Madison River [NEW RULE I]
(79) through (116) remain the same but are renumbered (80) through (117).

AUTH: ~~23-1-106, 23-2-302~~, 87-1-301, 87-1-303, MCA
IMP: ~~23-1-106~~, 87-1-303, MCA

4. The rule as proposed to be adopted provides as follows:

NEW RULE I MADISON RIVER (1) A portion of the Madison River is located in Madison County.

(2) In Madison County, the Madison River is limited to a controlled no wake speed, as defined in ARM 12.11.101(1), in the following areas:

(a) the North Ennis Lake Bridge to 600 feet above the Madison Dam.

AUTH: 87-1-303, MCA
IMP: 87-1-303, MCA

REASON: The commission received a petition for a no wake restriction on a 1.3 mile section of the Madison River between the North Ennis Lake Bridge and the Madison Dam. This section of the Madison River is very narrow and receives a large amount

of nonmotorized boating use as well as shoreline-based recreation, including rope swings and popular swimming locations. Limiting this section of the river to a no wake speed will serve to increase public safety and prevent potential accidents with motor boats traveling at a greater than wake speed. This restriction will minimally reduce motorized boating opportunities as motorboats will still be able to use this section at a less than wake speed and the rest of Ennis Lake will be unaffected by this restriction. The restriction will end 600 feet above the Madison Dam as this area is already closed to all occupation under ARM 12.11.3506.

5. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Adam Pankratz, Department of Fish, Wildlife and Parks Region 3 Office, 1400 South 19th Avenue, Bozeman, MT 59718-5496; or e-mail apankratz@mt.gov, and must be received no later than February 17, 2017.

6. Kaedy Gangstad or another hearing officer appointed by the department has been designated to preside over and conduct this hearing.

7. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be made by completing the request form at any rules hearing held by the department or commission.

8. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

10. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment and adoption of the above-referenced rules will not significantly and directly impact small businesses.

/s/ Zach Zipfel
Zach Zipfel
Rule Reviewer

/s/ Dan Vermillion
Dan Vermillion
Chair
Fish and Wildlife Commission

Certified to the Secretary of State January 9, 2017.